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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: DIETER THÖRMER - 1 PCT Examiner:

Ser. No.: 10/563,529 GROUP: 3711

Filed: JANUARY 3, 2006 CONFIRMATION NO.: 1499

TITLE: TRAINING APPARATUS FOR GOLF SWING

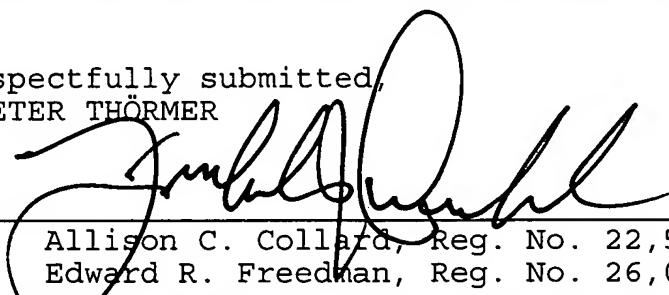
Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed please find the International Preliminary Report  
on Patentability

Respectfully submitted,  
DIETER THÖRMER

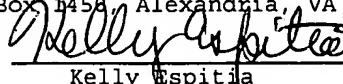
By

  
Allison C. Collard, Reg. No. 22,532  
Edward R. Freedman, Reg. No. 26,048  
Elizabeth Collard Richter, Reg. No. 35,103  
Frederick J. Dorchak, Reg. No. 29,298  
William C. Collard, Reg. No. 38, 411  
Attorneys For Applicant(s)

COLLARD & ROE, P.C.  
1077 Northern Boulevard  
Roslyn, New York 11576-1696  
(516) 365-9802  
ERF:im

encls.

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Kelly Espitia

## PATENT COOPERATION TREATY

PCT/DE2004/001372

From the INTERNATIONAL BUREAU

**PCT**

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY  
(CHAPTER I OR CHAPTER II  
OF THE PATENT COOPERATION TREATY)  
(PCT Rules 44bis.3(c) and 72.2)

Date of mailing (day/month/year)  
08 June 2006 (08.06.2006)

To:

ACKMANN, MENGES & DEMSKI  
Augustastrasse 15  
40721 Hilden  
ALLEMAGNE

**ACKMANN • MENGES • DEMSKI**  
Patentanwälte

19. Juni 2006

Frist: .....  
Erl. : .....

Applicant's or agent's file reference  
03.1051WO2

## IMPORTANT NOTIFICATION

International application No.  
PCT/DE2004/001372

International filing date (day/month/year)  
30 June 2004 (30.06.2004)

Applicant

THÖRMER, Dieter

## 1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

## 2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

## 3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Agnes Wittmann-Regis

**PATENT COOPERATION TREATY****PCT****INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**  
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 03.1051WO2	FOR FURTHER ACTION		See item 4 below
International application No. PCT/DE2004/001372	International filing date (day/month/year) 30 June 2004 (30.06.2004)	Priority date (day/month/year) 02 July 2003 (02.07.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant THÖRMER, Dieter			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report   |
| <input checked="" type="checkbox"/> | Box No. II   | Priority  |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application  |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.2).

Date of issuance of this report 29 May 2006 (29.05.2006)	
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 740 14 35	Authorized officer  Agnes Wittmann-Regis  Telephone No. +41 22 338 89 70

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

		Date of mailing (day/month/year)
Applicant's or agent's file reference <b>03.1051WO2</b>		<b>FOR FURTHER ACTION</b> See paragraph 2 below
International application No. <b>PCT/DE2004/001372</b>	International filing date (day/month/year) <b>30.06.2004</b>	Priority date (day/month/year) <b>02.07.2003</b>
International Patent Classification (IPC) or both national classification and IPC		
Applicant <b>THÖRMER, Dieter</b>		

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/> Box No. I	Basis of the opinion
<input checked="" type="checkbox"/> Box No. II	Priority
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI	Certain documents cited
<input type="checkbox"/> Box No. VII	Certain defects in the international application
<input type="checkbox"/> Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITYInternational application No.  
PCT/DE2004/001372

Box No. I	Basis of this opinion
<p>1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).</p> <p>2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:</p> <p>a. type of material</p> <p><input type="checkbox"/> a sequence listing</p> <p><input type="checkbox"/> table(s) related to the sequence listing</p> <p>b. format of material</p> <p><input type="checkbox"/> in written format</p> <p><input type="checkbox"/> in computer readable form</p> <p>c. time of filing/furnishing</p> <p><input type="checkbox"/> contained in the international application as filed.</p> <p><input type="checkbox"/> filed together with the international application in computer readable form.</p> <p><input type="checkbox"/> furnished subsequently to this Authority for the purposes of search.</p> <p>3. <input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.</p> <p>4. Additional comments:</p>	

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITYInternational application No.  
PCT/DE2004/001372

## Box No. II Priority

1.  The following document has not yet been furnished:
- copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
- translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).
- Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.
2.  This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY			International application No. PCT/DE2004/001372
Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	4, 10, 11, 13, 14, 16-25	YES
	Claims	1-3, 5-9, 12, 15, 26, 27	NO
Inventive step (IS)	Claims	18-21	YES
	Claims	1-17, 22-27	NO
Industrial applicability (IA)	Claims	1-27	YES
	Claims		NO
2. Citations and explanations:			
1	The present opinion makes reference to the following documents:		
	D1: GB 2 280 118 A (DURNIAN DENIS) 25 January 1995 (1995-01-25)		
	D2: WO 02/15984 A (FERNS STEPHEN; DURNIAN DENNIS (GB)) 28 February 2002 (2002-02-28)		
2	INDEPENDENT CLAIM 1		
2.1	The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel within the meaning of PCT Article 33(2). Document D1 discloses (the references between parentheses refer to this document):		
	<p>a training apparatus for golf swings (D1, page 1, paragraph 1), consisting of at least one guide ring (11) which is arranged in a plane that is inclined in relation to the vertical by means of a support (14), two guide rings (11, 12) arranged virtually in a plane being present, which are received in a support with a spacing from one another at</p>		

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY		International application No. PCT/DE2004/001372
Box No. V	Reasoned statement under Rule 43bis(1)(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	
<p>least in places, the two guide rings being approximately elliptical in design (D1, figure 1) and intended for supporting a golf club (D1, figure 2).</p> <p>The subject matter of claim 1 is therefore not novel.</p> <p>2.2 D2 likewise discloses a training apparatus for golf swings with two guide rings (D2, figure 2) which are approximately elliptical in design and intended for supporting a golf club (D2, figure 3).</p> <p>The subject matter of claim 1 is therefore not novel with respect to D2 either.</p> <p>3 DEPENDENT CLAIMS 2-17, 22-27</p> <p>Claims 2-17 and 22-27 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step.</p> <p>4 DEPENDENT CLAIMS 18-21</p> <p>Dependent claims 18-21, where the movement of the golf club is influenced by magnets, do not follow from the prior art and are therefore also to be considered inventive.</p>		